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**FROM:** Charles B. Cappellari  
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**TO:** Examiner: Lu, F.  
Group 1634

**U.S. Patent & Trademark Office**

**Facsimile No. (703) 872-9306**

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**MAR 21 2005**

Number of pages (including this cover page): 4

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In re Patent Application of:	)	Group Art Unit: 1634
	)	
AMMANN <i>et al.</i>	)	Examiner: Lu, F.
	)	
Serial No. 09/973,862	)	Atty. Docket No. GP095-06.DV4
	)	
Filed: October 11, 2001	)	Confirmation No. 8811
	)	
Title: AUTOMATED SYSTEM FOR	)	Date: March 21, 2005
ISOLATING AND AMPLIFYING A	)	
TARGET NUCLEIC ACID	)	

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Transmitted herewith are the following:

- 1) Transmittal Form PTO/SB/21 (1 pg.); and
  - 2) Response to Election of Species Requirement (2 pgs.).
- 

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Date: March 21, 2005

By: 

Charles B. Cappellari  
Registration No. 40,937

PTO/SB/21 (09-04)

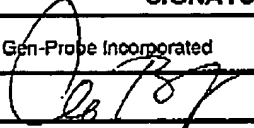
Approved for use through 07/31/2006. OMB 0651-0031

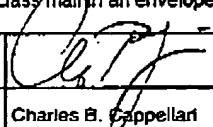
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/973,862	
	Filing Date	October 11, 2001	
	First Named Inventor	AMMANN et al.	
	Art Unit	1634	
	Examiner Name	LU, F.	
Total Number of Pages in This Submission	4	Attorney Docket Number	GP095-06.DV4

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Election of Species Requirement		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Gen-Probe Incorporated		
Signature			
Printed name	Charles B. Cappellari		
Date	March 21, 2005	Reg. No.	40,937

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Charles B. Cappellari	Date	March 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 21 2005

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AMMANN <i>et al.</i>	)	Examiner: Lu, F.
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Serial No. 09/973,862	)	Atty. Docket No. GP095-06.DV4
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Filed: October 11, 2001	)	<b>VIA FACSIMILE</b>
	)	
For: AUTOMATED SYSTEM FOR	)	
ISOLATING AND AMPLIFYING	)	
A TARGET NUCLEIC ACID	)	
SEQUENCE	)	

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Office Action mailed on February 23, 2005, Applicants hereby elect the species of claim 26 (the immobilization and incubation stations of the claimed system do not have a common incubator) and claims 32 and 42 (the amplification and hybridization stations of the claimed system do not have a common incubator). The claims readable on the species of claim 26 include claims 23, 24 and 26-56, and the claims readable on the species of claims 32 and 42 include claims 23-30, 32-40 and 42-56. This election of species is made without traverse.

No fee is believed due in connection with this Response. If Applicants are mistaken, then please charge any amounts due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

RESPONSE

Serial No. 09/973,862  
Atty. Docket No. GP095-06.DV4

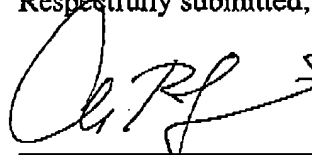
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Respectfully submitted,

Date: March 21, 2005

By:



Charles B. Cappellari  
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Attorney for Applicants

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